

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

EZHIL SEZHIAN KAMALDOSS,

Defendant.

\* \* \* \* \*

\* Case No. 19-MJ-793 (RLM)

\*

\* Brooklyn, New York

\* September 12, 2019

\*

\*

\*

\*

\*

\*

TRANSCRIPT OF CRIMINAL CAUSE FOR PLEADING  
BEFORE THE HONORABLE VERA M. SCANLON  
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Government:

NICHOLAS MOSCOW, ESQ.  
TEMIDAYO AGANA-WILLIAMS, ESQ.  
Asst. United States Attorney  
United States Attorney's Office  
271 Cadman Plaza  
Brooklyn, NY 11201

For the Defendant,  
Ezhil Kamaldoss:

LANCE CLARKE, ESQ.  
Bernstein Clarke & Moskovitz  
11 Park Place, Suite 914  
New York, NY 10033

For the Defendant,  
Baljeet Singh:

JAMES M. BRANDEN, ESQ.  
Law Office of James M.  
Branden  
551 Fifth Avenue  
New York, NY 10176

Proceedings recorded by electronic sound recording,  
transcript produced by transcription service.

**Fiore Reporting and Transcription Service, Inc.**  
**4 Research Drive, Suite 402**  
**Shelton, Connecticut 06484 (203)929-9992**

1 (Proceedings commenced at 2:59 p.m.)

2 THE CLERK: Criminal cause for arraignment, case  
3 no. 19-793-M, United States vs. Ezhil Sezhian Kamaldoss and  
4 Baljeet Singh. Counsel, your name for the record.

5 MR. MOSCOW: Good afternoon, Your Honor. Nicholas  
6 Moscow And Temidayo Aganga-Williams for the United States.

7 MR. AGANGA-WILLIAMS: Good afternoon, Your Honor.

8 MR. CLARKE: Good morning, Your Honor. Lance  
9 Clarke for Mr. Kamaldoss. Good morning --

10 THE COURT: Hopefully, not norming.

11 MR. CLARK: Good afternoon.

12 THE COURT: Yes. Hopefully, not.

13 MR. CLARKE: It's one of those days.

14 THE COURT: Yes. Sorry, I didn't mean to interrupt  
15 you, Mr. Clarke. Put it on the record, again, please.

16 MR. CLARKE: Sure. Lance Clarke. I'm here with  
17 Mr. Kamaldoss who on the left next to me.

18 MR. BRANDEN: Good afternoon, Judge. Jim Branden.  
19 I am here with Baljeet Singh. He is to my left.

20 THE COURT: Good afternoon, Mr. Kamaldoss and Mr.  
21 Singh.

22 THE DEFENDANT: Good afternoon.

23 THE COURT: The purpose of today's proceeding is to  
24 make sure that you undersatnd the nature of the charges being  
25 made against you by the United States of America and to make

1       sure that you understand that you have certain constitutional  
2       rights.

3               First, you have the right to be represented by an  
4       attorney at today's proceeding and at all future proceedings  
5       before the court.

6               And if you are unable to afford counsel, the court  
7       will appoint counsel to represent you.

8               Toward the end, Mr. Kamladoss and Mr. Singh, you've  
9       both filled out financial affidavits when you met with  
10      Pretrial Services.

11              And Mr. Kamladoss, you state that you are not  
12      employed and that you do have a residence in India, but you  
13      also have two dependents.

14              In Mr. Singh's affidavit it does say that you are  
15      employed by Universal Courier but you also state that you have  
16      a number of debts and monthly bills.

17              And based on your financial affidavits, the court  
18      finds that you would be unable to afford counsel and the  
19      court appointed Criminal Justice Act attorneys, Mr. Clarke  
20      and Mr. Branden, to represent you at all proceedings arising  
21      out of these charges before this court.

22              I just want to say to both of you you're just  
23      meeting your attorneys today and I understand today has  
24      probably been one of your worst days.

25              In order for an attorney to become a member of the

1 court's Criminal Justice Act panel, they need to have  
2 substantial federal criminal trial experience.

3 So these are nto people who jsut walked in and put  
4 up their hand. They're on a panel of attorneys that have  
5 been qualified by the court as having substantial federal  
6 criminal trial experience.

7 I'm telling you this because I don't want you to  
8 underestimate the value of the counsel you have been given  
9 just because you're not paying for the counsel.

10 You have the right to remain silent. If you  
11 started to make a statement, you may stop. Any statement  
12 that you make to anyone other than your attorney can be used  
13 against you.

14 Mr. Kamladoss, do you understand that you have the  
15 right to counsel and the right to remain silent?

16 You need to answer me, sir.

17 Do you undesrtand that you have the right to  
18 counsel and the right to remain silent?

19 You need to answer with your voice.

20 DEFENDANT KAMLADOSS: Yeah.

21 THE COURT: And Mr. Singh, do you undersatnd you  
22 have the right to counsel and the reight to remain silent?

23 DEFENDANT SINGH: Yes, ma'am.

24 THE COURT: Mr. Kamaldoss, have you had the  
25 oppotunity to reivew the complaint and affidavit that has

1       been filed against you in this matter with your attorney?

2               DEFENDANT KAMALDOSS: No.

3               THE COURT: Mr. Kamaldoss, have you had the  
4       opoprtunity to review the complaint and affdavit that has  
5       been filed against you in this matter with your attorney?

6               DEFENDANT KAMALDOSS: Yes. I reviewed it.

7               THE COURT: And do you understnd the charges that  
8       are being made against you, sir?

9               DEFENDANT KAMALDOSS: Yeah.

10              THE COURT: And, Mr. Clarke, have you had the  
11       opprotunity to review the complaint and affidavit in support  
12       of the application for the arrest warrants with your client?

13              MR. CLARKE: Yes, Your Honor, I have.

14              THE COURT: Do you believe he undestands the  
15       charges?

16              MR. CLARKE: I believe so, Your Honor, yes.

17              THE COURT: And hve you advised him of his  
18       constitutional rights?

19              MR. CLARKE: Yes, Your Honor, I have.

20              THE COURT: Very good. And now to you, Mr. Singh.  
21       Mr. Signh, do you understand that you have the  
22       right to counsel and the right to remain silent?

23              DEFENDANT SINGH: Yes, ma'am.

24              THE COURT: Have you had the opporutnity to review  
25       the complaint and affidavit in support of the arrest warrants

1 with your attorney?

2 DEFENDANT SINGH: Yes.

3 THE COURT: Do you undersatnd the charges?

4 DEFENDANT SINGH: Yes.

5 THE COURT: And Mr. Branden, have you had the  
6 opportunity to review the complaint with your client?

7 MR. BRANDEN: Yes, Judge.

8 THE COURT: DO you believe he understands the  
9 chares?

10 MR. BRANDEN: I do.

11 THE COURT: And have you advised him of his  
12 constitutional rights?

13 MR. BRANDEN: Yes.

14 THE COURT: What is the government's position on  
15 the question of detention or bail?

16 MR. MOSCOW: Your Honor, if I may first, I would  
17 move at this time to partially unseal the complaint as it  
18 relates to the eight defendats who are arrested today.

19 THE COURT: Your application is granted and the  
20 complaitn is unsealed as to the eight people who have been  
21 arrested today.

22 Let the record reflect that there are ten people  
23 listed on the complaint and, therefore, the attorneys for the  
24 defendants who are appearign today have been given a copy of  
25 the complaint.

1           However, it's been redacted so that the names of  
2           the two defendants who are large have been blocked out.

3           Continue, Mr. Moscow.

4           MR. MOSCOW: Thank you very much, Your Honor.

5           Your Honor, the government seeks detention as to  
6           these two individuals at this time. This is a very serious  
7           case. The conspiracy in this case involved the importation  
8           and distribution of millions of pills of tramadol, which is  
9           an opiod, among other controlled substances, to tens of  
10          thousands, if not more, recipients over one year alone. And  
11          the defedants are believed to have participated for a more  
12          longer period.

13          The conduct that is at issue in this case is very  
14          serious. And the ties to India from which the drugs were  
15          derived and to which a lot of the money in this case went are  
16          substantial.

17          Mr. Kamaldoss is a leader of the conspiracy. Has  
18          substantial access to illicit funds, including in India and  
19          in this case poses a substantial risk of flight.

20          He is, as Pretrial Services -- Pretrial Services  
21          recommended that there is no condition or combination of  
22          conditions that would assure his attendance in court. The  
23          government is not taking that position today.

24          However, as to both of these defendants, in light  
25          of their ties to a very large criminal organziation with

1 substantial international ties, the government believes that  
2 some bail package would be necessary to assure their  
3 attendance in court and the safety of the community.

4 The government understands that neither defendant  
5 has such a package to present today and, therefore, takes the  
6 position that a permeantn order of detention, with leave to  
7 apply for bail at a later date, would be appropriate.

8 THE COURT: So what the government has said, Mr.  
9 Kamaldoss and Mr. Singh, is that because of the seriousness  
10 of the charges and because of your ties to a foreign country,  
11 they are asking that you be detained.

12 But the good news is Mr. Moscow has said and the  
13 Pretrial Services report for you, Mr. Singh, state that if  
14 there were a bond that was co-signed by financially  
15 responsible people, that you would be able to be released  
16 pending the trial on these charges.

17 So you'll have to work with Mr. Branden toward  
18 getting a bail application. He knows how to put it on before  
19 the court.

20 It's a little more complicated for you, Mr.  
21 Kamaldoss, only becaues they're saying you have bigger ties  
22 in India and they also say that you are the leader of this  
23 crime that they're alleging. So you need to work with Mr.  
24 Clarke.

25 They also note that you are here on a visa that



1 will expire in 2020. So it's not that he is illegally in the  
2 country.

3 So, again, Mr. Clarke, even though the  
4 recommendation was that there were no conditions, I would  
5 encourage you if there are people willing to sign for Mr.  
6 Kamaldoss and there is a package, that you could put it  
7 together and put it back on the court's calendar.

8 So Mr. Kamaldoss and Mr. Singh, I am ordering you  
9 to be detained, but granting you leave to come back and  
10 present a bail application at any point in the future that  
11 there is a basis to do so and your attorney will work with  
12 you toward that end and knows what it takes in order to be  
13 released on bond. Okay?

14 So you need to give both your attorneys access to  
15 the phone numbers of the people that you want them to contact  
16 on your behalf to see if they can make an appropriate  
17 application to the court so that you can be released pending  
18 your trial on these charges.

19 Do you understand, Mr. Kamaldoss?

20 I need you to use your voice?

21 DEFENDANT KAMALDOSS: Yes.

22 THE COURT: And do you understand, Mr. Singh?

23 DEFENDANT SINGH: Yes, ma'am.

24 THE COURT: Okay. Very good.

25 What is the -- what is Mr. Kamaldoss' position with

1       respect to a preliminary hearing?

2               MR. CLARKE:   We're waiving that, Your Honor.

3               THE COURT:   And you've discussed this with Mr.  
4       Kamaldoss?

5               MR. CLARKE:   Yes.

6               THE COURT:   And Mr. Branden, what is Mr. Singh's  
7       position?

8               MR. BRANDEN:   Exactly the same. I've discussed it  
9       with him.   We are waiving the preliminary hearing.

10              THE COURT:   The preliminary hearing is waived.

11              Was there any other matter that needed to be  
12       addressed on behalf of the United States?   Was anything  
13       seized with Mr. Singh or Mr. Kamaldoss in terms of things  
14       that we need to get receipts for or inventories for?

15              MR. MOSCOW:   Your Honor, there were items that were  
16       seized.   However, we're happy to work with counsel via letter  
17       to memorialize those seizures.

18              THE COURT:   Okay.   Because if any ID was taken from  
19       them, or if any cell phones were taken from them, again, I  
20       want that to be something that you give your immediate  
21       attention to so that they know what procedure they need to go  
22       through either to challenge it or to seek the return of those  
23       items.   Okay?

24              MR. MOSCOW:   Understood, Your Honor.

25              THE COURT:   Any other matter on behalf of Mr.

1 Kamaldoss today?

2 MR. CLARKE: Not at this moment, Your Honor.

3 THE COURT: And does he have your info so he knows  
4 how to contact you?

5 MR. CLARKE: Yes, Your Honor.

6 THE COURT: Very good. Anything further, Mr.  
7 Branden, on behalf of Mr. Singh?

8 MR. BRANDEN: No.

9 THE COURT: Then this matter is adjourned. Good  
10 luck.

11 (Proceedings concluded at 3:09 p.m. )

12

13 I, CHRISTINE FIORE, court-approved transcriber and  
14 certified electronic reporter and transcriber, certify that  
15 the foregoing is a correct transcript from the official  
16 electronic sound recording of the proceedings in the above-  
17 entitled matter.

18

19



20

October 3, 2019

21

Christine Fiore, CERT

22

23

24